

File Date: 2-11-2008

Case No: OBcv 939

ATTACHMENT # 2

EXHIBIT _____

TAB (DESCRIPTION)

Proceedings from 7/14/2004

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS)
)
 vs.) No. 04CR5900
)
DWAYNE GRIFFIN,)
)
 Defendant.)

STIPULATED FITNESS HEARING

REPORT OF PROCEEDINGS had in the
hearing of the above-entitled cause, heard before
the Honorable SHARON SULLIVAN, Judge of said
court, on the 14th day of July, A.D., 2004.

APPEARANCES:

HONORABLE RICHARD DEVINE,
State's Attorney of Cook County, by:
MR. RICHARD ALBANESE and
MS. ANJANA HANSEN,
Assistant State's Attorneys,
 appeared on behalf of the People;

HONORABLE EDWIN A. BURNETTE,
Public Defender of Cook County, by:
MS. ANN DYKES,
Assistant Public Defender,
 appeared on behalf of the Defendant.

Pamela A. Signorella
Official Court Reporter
License No. 084-002361
Skokie, Illinois 60077

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I N D E X

People v. Dwayne Griffin
Case No. 04 CR 5900

DATE OF HEARING: July 14, 2004
Pages I-1 through I-8

Stipulated Fitness Hearing

Court Reporter, Pamela A. Signorella

1 THE CLERK: Custody, Dwayne Griffin.

2 THE SHERIFF: Can we pass Griffin for
3 a few minutes?

4 THE CLERK: Pass Griffin.

5 (The Court heard other matters;
6 thereafter, the following
7 proceedings were had:)

8 THE CLERK: Custody, Dwayne Griffin.

9 MS. DYKES: For the record, Assistant
10 Public Defender Ann Dykes on behalf of Dwayne
11 Griffin.

12 Judge, I am in receipt of a
13 report from Forensic Clinical Services.

14 We are ready for a stipulated
15 fitness hearing.

16 THE COURT: You may proceed.

17 MS. DYKES: Your Honor, if called to
18 testify, Dr. Nishad, N-i-s-h-a-d, Nadkarni,
19 N-a-d-k-a-r-n-i, would testify that the doctor
20 is a Staff Psychiatrist at Forensic Clinical
21 Services; that the doctor had an opportunity to
22 interview Mr. Griffin on June 30th for the
23 purpose of rendering an opinion with regard to
24 fitness to stand trial. That based on the

1 review of the medical records and a clinical
2 interview with Mr. Griffin, that the doctor
3 would render an opinion that Mr. Griffin is
4 currently fit to stand trial; that Mr. Griffin
5 understands the charge against him, comprehends
6 the courtroom proceedings and understands the
7 roles of the various courtroom personnel; that
8 he is able to assist with Counsel in his defense
9 should he choose to do so. He is currently
10 taking no psychotropic medications. And that
11 would be the extent of the doctor's testimony.

12 DEFENDANT GRIFFIN: Amen.

13 Your Honor, can I have a copy of
14 that second --

15 THE COURT: Hold on, sir.

16 State, do you stipulate to that
17 report?

18 MS. HANSEN: So stipulated, Judge.

19 MS. DYKES: We have no further
20 evidence, Judge.

21 THE COURT: Do you have any concerns
22 regarding fitness?

23 MS. DYKES: Yes, I do, Judge, but I'm
24 not a doctor. So if Forensic Clinical Services

1 appears to think that this gentleman who is
2 standing here is fit for trial, we will
3 proceed.

4 THE COURT: State, do you have
5 anything further?

6 MS. HANSEN: No, Judge.

7 THE COURT: The Court accepts the
8 stipulated testimony as to what the -- the
9 stipulation as to what the testimony of Dr.
10 Nadkarni would be. And based upon that report,
11 I accept his findings and enter a finding of
12 fitness at this time.

13 MS. DYKES: Your Honor, we were
14 appointed on June 2nd of this year and the issue
15 of fitness was raised immediately. Now that,
16 that has been resolved, I'm going to need a
17 continuance for the purpose of visiting the
18 crime scene and interviewing the eyewitness.

19 Also, Judge, there is a report
20 from the Chicago Police Department indicating
21 that the crime scene was processed for prints,
22 and we are looking to see if the State has
23 received any follow-up as to those prints. And
24 if we could have that report on the next court

1 date, if it exists, we would appreciate it.

2 Based on that, I'm not in a
3 position to file my Answer to Discovery. We are
4 not yet ready to set the case down for trial.

5 THE COURT: Okay.

6 So you are seeking a date. How
7 about August 24th?

8 MS. DYKES: That's fine, Judge.

9 That's by agreement as to the
10 defendant 8/24, for status and not for trial.

11 THE COURT: By agreement to August
12 24th.

13 DEFENDANT GRIFFIN: Your Honor, can I
14 get my copy of the second psychiatric report,
15 please, for my records?

16 MS. DYKES: That's up to you, Judge.
17 I would not tender it --

18 DEFENDANT GRIFFIN: I got the first
19 one.

20 THE COURT: Let me ask you this.

21 I will give you a copy.

22 Have you ever been treated by a
23 psychiatrist?

24 DEFENDANT GRIFFIN: No, ma'am.

1 THE COURT: Have you ever taken any
2 psychiatric medications?

3 DEFENDANT GRIFFIN: No, ma'am.

4 THE COURT: Have you ever been treated
5 by a psychologist?

6 DEFENDANT GRIFFIN: No, ma'am.

7 THE COURT: Okay.

8 It's a one-page report. I will
9 have the clerk make a copy of it. They will
10 give it to the sheriffs, and you can have a copy
11 of that report, sir.

12 MS. DYKES: Thank you.

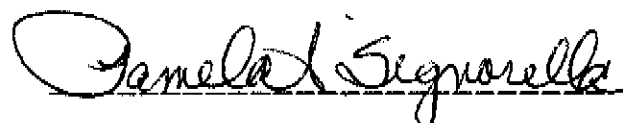
13 THE COURT: Okay.

14 8/24, by agreement.

15 (Which were all the proceedings
16 had concerning the
17 above-entitled cause; said
18 matter was continued to August
19 24, 2004.)
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STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

I, PAMELA A. SIGNORELLA, Official Court Reporter of the Circuit Court of Cook County, County Department-Criminal Division, do hereby certify that I reported in shorthand the proceedings had in the hearing of the above-entitled cause, that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had.



Pamela A. Signorella,
Official Court Reporter
License No. 084-002361

Dated this 25th day of April 2005.

1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

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4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 THE PEOPLE OF THE
7 STATE OF ILLINOIS, }
8 Plaintiff, }
9 vs. } No. 04 CR 5900
10 DWAYNE GRIFFIN, }
11 Defendant. }

12 REPORT OF PROCEEDINGS on the hearing
13 had before the HONORABLE SHARON M. SULLIVAN
14 on the 24th day of August, 2004, in Skokie,
15 Illinois.

16 APPEARANCES:

17 HON. RICHARD A. DEVINE,
18 State's Attorney of Cook County, by
19 MS. ANJANA HANSEN,
20 Assistant State's Attorney,
21 appeared for the People;

22 HON. EDWIN A. BURNETTE,
23 Public Defender of Cook County, by
24 MS. ANN BURAN,
 Assistant Public Defender,
 appeared for the Defendant.

25 Krista Flynn Burgeson, CSR
26 Official Court Reporter
27 5600 Old Orchard Road, #204
28 Skokie, Illinois 60077
29 License No. 084-003162

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I N D E X

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5 **CASE: People vs. Dwayne Griffin**

6 **NUMBER: 04 CR 5900**

7 **DATE: August 24, 2004**

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15 **PROCEEDINGS**

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17 **PAGES: J-1 through J-4**

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22 **Krista Flynn Burgeson, CSR**
23 **Official Court Reporter**
24 **5600 Old Orchard Road, #204**
Skokie, Illinois 60077
License No. 084-003162

1 THE CLERK: Custody, Dwayne Griffin.

2 THE SHERIFF: Coming out.

3 THE CLERK: Anne Dykes said she represents
4 him. She said to continue it, but not on her
5 bad date.

6 MS. BURAN: Judge, Ann Buran on behalf of
7 Mr. Griffin.

8 Ms. Dykes is at another courthouse
9 involved in a different matter today. I would
10 simply ask for approximately a one month status
11 date on her behalf.

12 THE COURT: Sure.

13 How about September 21st?

14 MS. BURAN: That is fine.

15 THE COURT: By agreement.

16 (Which were the proceedings
17 had in the above-entitled
18 cause, and the matter was
19 continued to September 21st,
20 2004.)

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1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

3
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 I, KRISTA FLYNN BURGESSON,
7 Official Court Reporter of the Circuit Court
8 of Cook County, County Department - Second
9 Municipal District, do hereby certify that I
10 reported in shorthand the proceedings had of
11 the hearing in the aforementioned cause; that
12 I thereafter caused the foregoing to be
13 transcribed into typewriting, which I hereby
14 certify to be a true and accurate transcript
15 of the Report of Proceedings had before the
16 HONORABLE SHARON M. SULLIVAN, Judge of said
17 Court.

18
19 *Krista Flynn Burgess*
20 Krista Flynn Burgess, CSR
21 Official Court Reporter
22 5600 Old Orchard Road, #204
23 Skokie, Illinois 60077
24 License No. 084-003162

24 Dated this 20th day of May 2005.

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS)
)
7 Plaintiff,)
)
8 -vs-) No. 04 CR 5900
)
9 DWAYNE GRIFFIN,)
)
10 Defendant.)

11 REPORT OF PROCEEDINGS of the above-entitled
12 cause had before the Honorable SHARON SULLIVAN, on the
13 21st day of September, 2004, in District 2, Skokie,
14 Illinois.

15 APPEARANCES:

16 HON. RICHARD A. DEVINE,
17 State's Attorney of Cook County, by
18 MS. STEPHANIE CALLAS,
19 Assistant State's Attorney,
20 appeared for the Plaintiff;

21 MR. EDWIN A. BURNETT,
22 Public Defender of Cook County, by
23 MS. ANNE DYKES,
24 Assistant Public Defender,
appeared for the Defendant.

25 Vivian A. Fasso
26 Official Court Reporter
27 5600 Old Orchard Rd.
28 Skokie, IL 60077
29 License No. 84-1630

I N D E X

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Continued for trial.....P.3

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1 THE CLERK: Dwayne Griffin.

2 MS. DYKES: For the record, assistant public
3 defender Ann Dykes on behalf of Mr. Griffin.

4 Judge, we will be filing our answer to
5 discovery today. I will inform the State that we have
6 no eye witnesses listed on our answer nor any
7 affirmative defense, and we are asking to set this
8 matter down for jury trial, please.

9 THE COURT: Okay. How about October 26th,
10 27th, 28th? I know we have several things set.

11 MS. CALLAS: Whatever the Court wants. We can
12 kick everything else if this goes.

13 THE COURT: Or we can go in November.

14 MS. DYKES: That should be fine.

15 THE COURT: Last week in October -- I want to
16 go November 1st. There's not much set then. How about
17 November 3rd?

18 MS. DYKES: That's fine.

19 THE COURT: By agreement 11/3.

20 MS. DYKES: We would ask the mittimus reflect
21 the defendant be allowed to dress in civilian clothing
22 that day.

23 THE COURT: Okay. With, for jury.

24 (Proceedings continued to 11/3/04).

1 STATE OF ILLINOIS)
) SS:
2 COUNTY OF C O O K)

3 THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

5 I, VIVIAN A. FASSO, a Certified Shorthand
6 Reporter for the Circuit Court of Cook County, do
7 hereby certify that I reported in shorthand the
8 proceedings had at the hearing in the above-entitled
9 cause; that I thereafter caused the foregoing to be
10 transcribed into typewriting, which I hereby certify to
11 be a true and accurate transcript of the proceedings
12 had before the Honorable SHARON SULLIVAN, Judge of said
13 court.

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Certified Shorthand Reporter
#84-1630

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
) Case No. 04CR-5900
VS) Courtroom 209-Skokie
)
DWAYNE GRIFFIN,)
)
Defendant.)

REPORT OF PROCEEDINGS of the hearing
before the Honorable SHARON M. SULLIVAN, Judge
of said Court, on November 3, 2004.

APPEARANCES:

HON. RICHARD DEVINE,
State's Attorney of Cook County, by:
MS. MARY MORRIS & MS. STEPHANIE CALLAS,
Assistant State's Attorneys,
for the People of the State of Illinois;

MR. EDWIN A. BURNETTE,
Public Defender of Cook County, by:
MS. ANNE DYKES,
Assistant Public Defender,
for the Defendant.

Marcie Leone, CSR #084-001348
Official Court Reporter
5600 Old Orchard Rd. Rm. 204
Skokie, Illinois 60077

I N D E X

PEOPLE VS. DWAYNE GRIFFIN

DATE: 11-3-04

PAGES: L-1 through L-19

CONTINUED FOR UPDATED BCX

1 THE CLERK: Dwayne Griffin.

2 MS. DYKES: For the record, Assistant
3 Public Defender Anne Dykes and Brian Bowen on
4 behalf of Dwayne Griffin. This matter is set
5 for jury trial today. It is my understanding
6 that both sides appear to be ready.

7 In speaking with Mr. Griffin this
8 morning, the issue of representation arose.
9 Mr. Griffin indicated to me this morning that he
10 once again wanted to proceed pro se, and I
11 advised him that we would have the case called
12 so that he could address that issue with you.

13 THE COURT: Mr. Griffin, the case is set
14 for trial today apparently, and the public
15 defender was appointed to represent you.

16 THE DEFENDANT: Right. I'm firing the
17 public defenders. I don't want them to
18 represent me. They fired.

19 THE COURT: Do you have another --

20 THE DEFENDANT: They fired. They are
21 fired.

22 THE COURT: I understand that.

23 THE DEFENDANT: They fired. It's my
24 constitutional right to proceed pro se. End of

1 story.

2 Could you tell me, what am I
3 charged with?

4 THE COURT: So you wish to represent
5 yourself?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: You are charged with the
8 offense of burglary.

9 THE DEFENDANT: Can I have copies of those
10 charges, please?

11 THE COURT: Hold on a second.

12 In terms of sentencing, is he --

13 MS. MORRIS: I believe he is a Class X
14 sentencer. I don't have the file in front of
15 me, but I seem to recall that.

16 THE COURT: Mr. Griffin, just so you
17 understand, you do have the right to represent
18 yourself, but I am going to explain some things
19 to you to make sure that you're making that
20 decision in a knowing and intelligent manner.

21 THE DEFENDANT: I know what I'm doing,
22 ma'am.

23 THE COURT: Okay. But please --

24 THE DEFENDANT: I'm ready to pick a jury.

1 Twelve people in this courtroom. Let's do
2 this. I'll rock you all world.

3 THE COURT: Mr. Griffin, you're going to
4 conduct yourself in an appropriate manner.

5 THE DEFENDANT: That's my constitutional
6 right.

7 Can you tell me what I'm charged
8 with? You ain't told me what I'm charged with.

9 THE COURT: Sir, I just told you what
10 you're charged with.

11 THE DEFENDANT: What am I charged with?

12 THE COURT: You are charged with burglary.

13 THE DEFENDANT: Can I have copies of that,
14 please?

15 THE COURT: You'll get a copy of it in just
16 a moment.

17 THE DEFENDANT: The arrest report from the
18 police.

19 THE COURT: I'm going to pass the case and
20 the public defender is going to make a copy of
21 her file, and we will bring you back out into
22 open court and you will be tendered a copy of
23 that file.

24 But before we do that, do you

1 understand that on this charge of burglary that
2 you're subject to Class X sentencing, which
3 means that you can be sentenced to the
4 penitentiary for a period of six to thirty
5 years?

6 THE DEFENDANT: Yep. And you can, too.

7 THE COURT: Sir, that's an inappropriate
8 comment. You know that, sir.

9 THE DEFENDANT: Can I have copies of my
10 arrest report?

11 THE COURT: You're going to get those in
12 just a moment, sir.

13 THE DEFENDANT: Motion of discovery was
14 filed May the 4th. I still haven't received it.

15 THE COURT: Sir, you're going to conduct
16 yourself in an appropriate manner in the
17 courtroom.

18 THE DEFENDANT: Do I have to appeal this to
19 the federal courts? That's what you want me to
20 do, ma'am?

21 THE COURT: Well, you certainly have the
22 right to file an appeal after the case has --

23 THE DEFENDANT: No. I'm going straight to
24 the federal courts.

1 MS. DYKES: If I may interject --

2 THE DEFENDANT: You people have lost you
3 all minds in this courtroom.

4 THE COURT: I'm going to pass the case
5 until Mr. Griffin can control himself.

6 THE DEFENDANT: I'm controlled.

7 THE COURT: No, you're not, sir. You're
8 interrupting.

9 THE DEFENDANT: You don't want the public
10 to know what's happening? Is that it?

11 THE COURT: Sir, I'm going to pass this.
12 Let me pass the case. Case is passed.

13 THE DEFENDANT: Yeah, I know. Spooked,
14 ain't you all? Wait until the federal courts
15 find out.

16 (Case passed and recalled:)

17 THE CLERK: Dwayne Griffin.

18 THE DEFENDANT: Excuse me, ma'am. Before
19 we proceed --

20 THE COURT: Mr. Griffin, hold on.

21 THE DEFENDANT: Before we proceed, what is
22 this?

23 THE COURT: Mr. Griffin, before we proceed
24 I'm going to ask you some questions about

1 whether or not you're going to represent
2 yourself.

3 THE DEFENDANT: That's my constitutional
4 right. You can't stop me.

5 THE COURT: But I need to explain some
6 things to you.

7 THE DEFENDANT: That's my constitutional
8 right. I'm ready to go to trial. I'm ready to
9 pick a jury.

10 THE COURT: Hold on, sir. I cannot accept
11 your desire to represent yourself --

12 THE COURT: I'll appeal to the federal
13 court.

14 THE COURT: -- until I make a determination
15 that you're doing so in a knowing and
16 intelligent manner. So I'm going to ask you
17 some questions at this time.

18 THE DEFENDANT: I refuse to answer your
19 questions. I'm ready to appeal to the federal
20 court.

21 THE COURT: Well, then we're going to
22 continue the case on your motion.

23 THE DEFENDANT: Not by agreement. I don't
24 want no more continuance. I'm ready for trial.

1 Let's put the jury right there. You got twelve
2 people right there.

3 THE COURT: Mr. Griffin, if you want to
4 proceed to trial --

5 THE DEFENDANT: That's my constitutional
6 right. Is you crazy? That's my constitutional
7 right. You violating it? Tell me yes or no.

8 THE COURT: Mr. Griffin, will you allow me
9 to finish?

10 THE DEFENDANT: No. I'm ready to go to
11 trial.

12 THE COURT: Will you allow me to ask you
13 some questions?

14 THE DEFENDANT: I demanded trial February
15 the 27th. You people are still playing these
16 games. It's time to go to the federal court. I
17 bet you get some act right in you then. That's
18 what I'm going to do. And I'm going to send all
19 this garbage cut up, all this here. This ain't
20 no arrest report. Twenty-some pieces of paper
21 all cut up. When the federal magistrate get
22 this here, you ain't going to be sitting there
23 no more.

24 THE COURT: Mr. Griffin, will you --

1 THE DEFENDANT: I guarantee you that.

2 THE COURT: Okay. The record will
3 reflect --

4 THE DEFENDANT: You conspired against me
5 with the state's attorney, giving me all this
6 garbage. You know what's happening.

7 THE COURT: Mr. Griffin --

8 THE DEFENDANT: You all doing this mean and
9 dirty low-down. But you met your match. Yeah,
10 me. I know what's happening with you. I'm
11 going to rock you all world in here. Let's do
12 it. Jury.

13 THE COURT: Sir, I'm holding you in
14 contempt of court for --

15 THE DEFENDANT: I don't care what you're
16 talking about.

17 THE COURT: -- threatening the Court if you
18 don't stop and listen. You keep interrupting.

19 THE DEFENDANT: I don't want to hear it.

20 THE COURT: Well, then it's going to be
21 continued on your motion.

22 THE DEFENDANT: I don't want to hear it. I
23 don't want to hear it. Not by agreement. I'm
24 ready to go to trial. Let's go.

1 THE COURT: This case is not going to
2 proceed because I can't even determine if you're
3 going to represent yourself.

4 THE DEFENDANT: That's my constitutional
5 right.

6 THE COURT: Well, then you need to listen.

7 THE DEFENDANT: You violated it. Okay.
8 It's time for me to go to federal court, then.

9 THE COURT: I'm not violating your rights.

10 THE DEFENDANT: Yes, you are. That's my
11 constitutional right. Let's do this. Put the
12 jury there. Let's go. Twelve people. You know
13 what's happening.

14 THE COURT: I know what's happening, sir.
15 You're either playing games with the Court --

16 THE DEFENDANT: That's my constitutional
17 right. You violating it? Are you violating my
18 constitutional right? Are you refusing my
19 constitutional right? Yes or no.

20 THE COURT: Mr. Griffin, you have a very
21 strong voice and you refuse to allow me to
22 finish the --

23 THE DEFENDANT: I know. That's the power
24 of the Holy Ghost. Yeah. You met your match.

1 THE COURT: Sir, this isn't a match.

2 THE DEFENDANT: Oh, yes, it is. You made
3 it a match.

4 THE COURT: No, sir.

5 THE DEFENDANT: Oh, yeah. You made it a
6 match. But you met your match. Oh, yeah. Rock
7 you all world in this courtroom. Let's do
8 this. You don't even have to give me no arrest
9 report. Let's go with the jury. Because you
10 refuse to give it to me. You force me to go to
11 trial. Let's go. That's another violation.
12 Hello.

13 THE COURT: Do you understand that if you
14 represent yourself --

15 THE DEFENDANT: I'm ready for trial.

16 THE COURT: Do you understand that if you
17 represent yourself, that you're going to be held
18 to the same standard as if you were an
19 attorney?

20 THE DEFENDANT: And you are, too.

21 THE COURT: Do you understand that?

22 THE DEFENDANT: I'm ready for trial.

23 THE COURT: Do you understand that?

24 THE DEFENDANT: Oh, my God.

1 THE COURT: Do you understand that, sir?

2 THE DEFENDANT: Is all this being
3 recorded?

4 THE COURT: Do you understand that, sir?

5 THE DEFENDANT: I'm ready for trial. I
6 demanded trial February the 27th. Let's do this
7 here. What's the holdup? You didn't pass the
8 120 days. That's another violation.

9 THE COURT: Do you understand that you're
10 being held to the same standard as if you were
11 an attorney?

12 THE DEFENDANT: I am ready for trial,
13 ma'am.

14 THE COURT: Do you understand that you're
15 held to the same standard?

16 THE DEFENDANT: I'm ready for trial here.
17 Come on. Come on. I'm ready for trial. If you
18 don't want to give me the arrest report, don't
19 give it to me. You force me to go to trial
20 without it. Let's do this here. Put twelve
21 people right there, the first twelve you set
22 there. I'm going to rock you all world.

23 THE COURT: Mr. Griffin, do you understand
24 my question?

1 THE DEFENDANT: Twelve people. Set them
2 right there.

3 THE COURT: Okay. The Court is unable to
4 obtain --

5 THE DEFENDANT: The Court what? The Court
6 is in violation. Yeah. You know it. Yeah.
7 Don't laugh it off.

8 THE COURT: I'm going to order an updated
9 BCX on Mr. Griffin --

10 THE DEFENDANT: BCX?

11 THE COURT: -- because I'm unable to get
12 any answers from him with regard to questions
13 I've asked.

14 THE DEFENDANT: That would be the third
15 one; right? They're going to send me back and
16 say the man is ready for trial. That's another
17 violation. Come on.

18 THE COURT: BCX is ordered.

19 THE DEFENDANT: Okay.

20 THE COURT: This case is continued for an
21 updated --

22 THE DEFENDANT: Not by agreement. I'm
23 ready for trial.

24 THE COURT: This is being continued for --

1 THE DEFENDANT: Not by agreement. Yeah,
2 your time running out. When that federal judge
3 pull you in there, he snatch your license.
4 Yeah, you know what's happening.

5 THE COURT: December 1.

6 THE DEFENDANT: December 1 not by
7 agreement.

8 THE COURT: At this point the public
9 defenders are still on the case because --

10 THE DEFENDANT: I don't want them. They
11 fired. You going to force somebody on me? Is
12 that what you're doing? That's another
13 violation.

14 THE COURT: Let the record reflect that the
15 defendant continuously interrupts the Court,
16 that every time the Court attempts to --

17 THE DEFENDANT: He do not want the public
18 defender representing him.

19 THE COURT: And I'd ask the court reporter
20 at this point --

21 THE DEFENDANT: You violating his
22 constitutional right to proceed pro se. That's
23 his constitutional right.

24 THE COURT: Okay. I'm going to finish

1 putting this on the record, sir, when you're in
2 the lockup because you continuously interrupt
3 the Court, making --

4 THE DEFENDANT: Because you are violating
5 my constitutional right. You're messing with my
6 amendment rights.

7 THE COURT: Mr. Griffin, either you don't
8 understand or you're playing games with the
9 Court.

10 THE DEFENDANT: Oh, you understand.

11 THE COURT: Could you please --

12 THE DEFENDANT: Don't laugh at me and don't
13 laugh it off.

14 THE COURT: Sir, I'm not laughing at you
15 and you know it.

16 The PD is staying on the case
17 until the --

18 THE DEFENDANT: The PD ain't doing nothing.

19 MS. DYKES: If I may, Your Honor, spread of
20 record --

21 THE COURT: For the record, Mr. Griffin was
22 just taken back into the lockup. Every time the
23 Court attempted to explain to him, he
24 interjected in his own words what he wanted the

1 Court to listen to and refused to answer any
2 questions that I tried to pose to him to
3 determine whether he was making a knowing and
4 intelligent waiver of his right to have
5 counsel. Unable to do that, I'm going to have
6 the public defender stay on the case until I get
7 an updated fitness evaluation, which I'm
8 ordering at this time. The most recent
9 evaluation was from back in April of 2004.

10 MS. DYKES: Judge, Assistant Public
11 Defender Anne Dykes along with Brian Bowen of
12 the Public Defender's Office. We would like to
13 spread of record that this morning what I did
14 tender to Mr. Griffin was all the police reports
15 and the supplementary reports. And what I did
16 was, Judge, I gave him redacted copies which I
17 personally cut out the address and phone number
18 and personal information of the eyewitness and
19 the complaining witness. So he has copies of
20 all the police reports without any personal
21 information of the State's witnesses.

22 Also, Judge, I have a BCX
23 indicating that the defendant is fit dated July
24 14th of this year. So what I would propose is

1 that we send an order to Forensic Clinical
2 Services indicating that we need an evaluation
3 as to fitness by a doctor other than the doctor
4 listed on this report. If there is an earlier
5 report, I would like that one as well to include
6 that doctor's name so that the same psychiatrist
7 does not evaluate Mr. Griffin.

8 THE COURT: Actually, the report that I
9 have from April 14 is by Dr. Susan Messina, a
10 licensed clinical psychologist. And who is the
11 one that you have from July?

12 MS. DYKES: I have a staff psychiatrist. I
13 will spell the last name. N-a-d-k-a-r-n-i. Dr.
14 Nadkarni.

15 THE COURT: The record will reflect that
16 the defendant continuously, as I indicated
17 previously, was interrupting and yelling so loud
18 that the court reporter clearly would not be
19 able to take down both voices at one time.
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STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS)
)
VS)
)
DWAYNE GRIFFIN)

I, Marcie Leone, Official Court
Reporter for the Circuit Court of Cook County,
Cook Judicial Circuit of Illinois, do hereby
certify that I reported in shorthand the
proceedings had in the above-entitled cause;
that I thereafter caused the foregoing to be
transcribed into typewriting, which I hereby
certify to be a true and accurate transcript of
the proceedings had before the Honorable SHARON
SULLIVAN, Judge of said Court.



Marcie Leone, CSR# 084-001348

Dated this 30th day
of March, 2005.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF ILLINOIS,

Plaintiff,

-vs-

DWAYNE GRIFFIN,

Defendant.

04 CR 5900

REPORT OF PROCEEDINGS

had at the hearing of the above-entitled cause came on
for hearing before the Honorable SHARON SULLIVAN, on
the 1st day of December, 2004, Skokie, Illinois.

APPEARANCES:

MR. RICHARD DEVINE,
State's Attorney of Cook County,
by: MS. STEPHANIE CALLAS,
Assistant State's Attorney,
for the People of the State of Illinois;

MR. EDWIN A. BURNETTE,
1st Asst. Public Defender of Cook County,
by: MS. ANN BURAN,
Assistant Public Defender,
appeared on behalf of the Defendant.

SUZIE W. NOLAN, CSR
LICENSE NO. 084-003001
5600 Old Orchard - 204
Skokie, IL 60077

1 I N D E X

2

3 CASE: People vs. Dwayne Griffin
4 CASE NUMBER: 04 CR 5900
5 DATE: 04 CR 590012-1-04
6 PAGES: A-1 to A-10

7 Continued to 12-2-04

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1 THE CLERK: Dwayne Griffin.

2 THE COURT: Mr. Griffin, I have reviewed your
3 notice of appeal. First of all, you have the wrong
4 case number on the appeal. Your notice of appeal says,
5 an appeal is hereby taken in the final judgment entered
6 in the above-entitled cause. There is no final judgment
7 entered in the above-entitled cause. Your leave to file
8 a notice of appeal is hereby denied.

9 Now, the public defender has been
10 appointed on the case. If you wish to represent
11 yourself, I will entertain your request to represent
12 yourself. But in order to do that, I must ask you
13 certain questions as Supreme Court Rule 401 requires.
14 If you would like a copy of that Supreme Court Rule 401,
15 I will be happy to have a copy of that Supreme Court
16 Rule given to you.

17 THE DEFENDANT: Yes, let me have a copy, please.

18 THE COURT: Okay.

19 THE DEFENDANT: And a copy of the third psych
20 evaluation.

21 THE COURT: Your attorney has a copy. Let me read
22 it to you.

23 THE DEFENDANT: Which edition do you have there?

24 THE COURT: This is the 2000 edition. The rule has

1 not changed. Rule 401, any waiver of counsel shall be
2 in open court. The Court shall not permit a waiver of
3 counsel via person accused of an offense punishable by
4 imprisonment without first by addressing the defendant
5 personally in open court informing and determining that
6 he understands the following:

7 One, the nature of the charge.

8 Two, the minimum and maximum sentence
9 prescribed by law including when applicable the penalty
10 to which the defendant may be subjected based upon prior
11 convictions -- because of prior convictions or
12 consecutive sentences.

13 And, three, that he has a right to
14 counsel, and if indigent to have counsel appointed for
15 him by the Court.

16 That is what the Supreme Court Rule 401
17 states.

18 Do you wish to represent yourself?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Sir, how far did you go in school?

21 THE DEFENDANT: I wish to represent myself, ma'am.
22 I mean, to get this over with.

23 THE COURT: Do you know what you are charged with?

24 THE DEFENDANT: What? The police picked me up and

1 charged me with --

2 THE COURT: Sir, you are charged with the offense
3 of burglary.

4 THE DEFENDANT: Can I get -- get the police what
5 they charged me with?

6 THE COURT: The offense is a Class 2 felony.

7 State, does he have --

8 MS. CALLAS: He is mandatory X.

9 THE COURT: Based upon your background, you are
10 subject to six to thirty years in the penitentiary.

11 THE DEFENDANT: Six to thirty years.

12 THE COURT: Three years of mandatory supervised
13 release, which is also known as parole that follows any
14 penitentiary sentence.

15 Do you understand that is the range of
16 penalties that applies to this offense?

17 THE DEFENDANT: Who is going to get that time?

18 THE COURT: Do you understand that, sir?

19 THE DEFENDANT: But I am asking who is going to get
20 that time?

21 THE COURT: Do you understand that, sir?

22 THE DEFENDANT: Yes, I understand what you are
23 saying.

24 Who going is to get that time?

1 THE COURT: Sir, you are playing games.

2 THE DEFENDANT: You are playing games.

3 THE COURT: No, I am not. I am asking, do you want
4 to resolve this matter?

5 THE DEFENDANT: I want to resolve this matter.

6 THE COURT: Do understand you have the right to
7 have counsel appointed to represent you? Do you
8 understand?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: If you can't afford an attorney, you
11 have the right to have a public defender appointed to
12 represent you.

13 THE DEFENDANT: Yes, ma'am.

14 THE COURT: And you understand that presenting a
15 defense is not a simple matter of telling one's story,
16 but requires adherence to governing the conduct of a
17 trial?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: You understand that an attorney has
20 substantial experience in training in trial procedures
21 and the prosecution. In this case, you will not be
22 represented by an experienced attorney.

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you understand that a person like

1 yourself is unfamiliar with the legal procedures may
2 allow the prosecutor an advantage by you failing to make
3 objections to inadmissible evidence or such rights as
4 the voir dire of jurors and may make tactical decisions
5 that produce unintended consequence --

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: -- you understand by proceeding pro
8 se. If you choose to proceed pro se, you will not be
9 allowed to complain about the competency of your
10 representation.

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Do you understand that you will
13 receive no special consideration from the Court?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: For example, if you do not know how to
16 ask certain questions, to lay foundations for the
17 admission of certain evidence --

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: -- that you may not be allowed to ask
20 questions or get certain evidence admitted into
21 evidence.

22 THE DEFENDANT: Yes, ma'am.

23 Motion of discovery is already filed. I
24 am ready. May the 4th to be exact, 2004.

1 THE COURT: You understand that if you are allowed
2 to represent yourself, I will not appoint a stand-by
3 attorney to assist you at any stage during the trial?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: And, sir, have you ever been to law
6 school?

7 THE DEFENDANT: I go to the law library everyday.

8 THE COURT: What is the farthest level of school
9 you have completed?

10 THE DEFENDANT: Oh, high school.

11 THE COURT: Did you graduate high school?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Understanding everything that I have
14 said here today, do you wish to represent yourself?

15 THE DEFENDANT: Yes. PD office is fired?

16 THE COURT: I will allow you to represent yourself.

17 MS. BURAN: Judge, we are requesting leave to
18 withdraw based on that.

19 THE COURT: PD is given leave to withdraw.

20 MS. BURAN: Thank you.

21 THE COURT: I know the attorney who is
22 representing you is Ms. Dykes. Given the hour of day --
23 she has the file, is that correct?

24 MS. BURAN: She does.

1 THE COURT: And we will hold the case over for her
2 to give you the discovery.

3 MS. BURAN: Judge, you want try Friday? I think
4 the state may have to present redacted copies in this
5 situation.

6 MS. CALLAS: Friday of next week.

7 THE COURT: Friday? Tomorrow is better. We will
8 hold it tomorrow. Have it -- make a copy of the
9 discovery. Hold the case over to tomorrow. We will
10 make a copy of discovery for you, and state may need to
11 redact certain information, and we can proceed with your
12 representing yourself. Okay.

13 THE DEFENDANT: Can I have a copy of that third
14 psych report?

15 THE COURT: That is part of the file.

16 MS. BURAN: Tomorrow.

17 THE COURT: Okay.

18 MS. BURAN: Okay.

19 THE DEFENDANT: Okay.

20 THE COURT: By agreement.

21 MS. CALLAS: Hold on call 12-2.

22 (The proceedings were continued to
23 12-2-05.)
24

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:
3

4 I, SUZIE W. NOLAN, an Official Court
5 Reporter of the Circuit Court of Cook County, County
6 Department - Criminal Division, do hereby certify that
7 I reported in shorthand the report of proceedings had on
8 the hearing in the aforementioned cause; that we
9 thereafter caused the foregoing to be transcribed into
10 typewriting, which I hereby certify to be a true and
11 accurate transcript of the proceedings had before the
12 Honorable SHARON SULLIVAN, Judge of said court.

13

14

Suzie W. Nolan
Official Court Reporter 084-003001

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23 Dated this 26th day of
24 August, 2005

1 STATE OF ILLINOIS)
2) SS:
COUNTY OF C O O K)
3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION
4
5 THE PEOPLE OF THE)
STATE OF ILLINOIS,)
6 Plaintiff,)
7 vs.) 04 CR 05900
8 DWAYNE GRIFFIN,)
9 Defendant.)

10
11 REPORT OF PROCEEDINGS on the hearing had
12 before the Honorable JUDGE SHARON SULLIVAN on the
13 2nd day of December, 2004, in Skokie, Illinois.

14 APPEARANCES:

15 HON. RICHARD A. DEVINE
16 State's Attorney of Cook County by
MS. STEPHANIE CALLAS
17 Assistant State's Attorney,
appeared for the People;

18 MR. EDWIN A. BURNETTE,
19 Public Defender of Cook County by
MS. ANNE DYKES
20 Assistant Public Defender,
appeared for the Defendant.

21
22 Pauline Strohl, CSR
Official Court Reporter
5600 Old Orchard Road, #204
23 Skokie, Illinois 60077
License No. 084-001253
24

PAULINE STROHL
License No. 084-001253
Official Court Reporter
5600 Old Orchard Road, Room 204
Skokie, Illinois 60077

I N D E X

PEOPLE VS. DWAYNE GRIFFIN
DATE: December 2, 2004

PAGES: M-1 to M-7

PROCEEDINGS

CONTINUANCE

1 THE COURT: Okay, Mr. Griffin is before the
2 Court. And yesterday you requested that you be
3 allowed to proceed pro se. I admonished you
4 pursuant to Supreme Court Rule 401 and we held
5 the case over today for the Public Defender to be
6 here to give you the discovery. Let me just ask
7 you today, do you still wish to represent
8 yourself?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: Okay. Then I ask that discovery
11 be tendered by the Public Defender back to the
12 State and that the State then tender that
13 discovery to Mr. Griffin.

14 MS. CALLAS: Judge, at this time I would just
15 like to put on the record what it is that I'm
16 going to give the defendant so that it's all on
17 the record. I have a 2-page motion for
18 discovery, a 2-page answer for discovery, a
19 2-page general offense case report, a 2-page case
20 supplementary report, a five-page Chicago Police
21 Department arrest report.

22 A one-page Chicago Police Department
23 inventory sheet. Three pages of general
24 progress -- strike that. Four pages of unlined

1 general progress report notes. Two pages of
2 general progress report notes that are lined.
3 One crime scene processing report. 1, 2, 3, 4, 5
4 pages of forensic clinical service exams from
5 prior examinations that the defendant requested.
6 One from yesterday. There's all of them in here.

7 Ten pages of certified copy of
8 conviction. Five pages for certified copy of
9 conviction in case number 95 CR 9655 and case
10 number 98 CR 6819. A 12-page preliminary hearing
11 transcript. A 7-page Chicago Police Department
12 criminal history in the name of Dwayne Griffin.
13 A 10-page State of Illinois identification
14 criminal history sheet in the name of Dwayne
15 Griffin. And 4 Xerox copies of color photographs
16 currently in the State's possession.

17 I've made these so that the defendant
18 has a basic copy, but at any time he wants to see
19 my color copies, he is more than welcome to.
20 This is all the discovery currently in possession
21 of the State with regards to this case. I'm
22 tendering that to Mr. Griffin at this time.

23 THE COURT: Mr. Griffin, you acknowledge that
24 you just received that, those documents?

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: Okay. And do you wish to see the
3 photographs that the State has?

4 THE DEFENDANT: Yeah.

5 MS. CALLAS: For the record the defendant is
6 looking at 4 photographs of the crime scene.

7 THE COURT: Mr. Griffin, do you wish to file
8 any motions on this case?

9 THE DEFENDANT: No. I'm ready for trial.

10 THE COURT: Do you wish any continuances to
11 review discovery?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: So you're answering ready for
14 trial?

15 THE DEFENDANT: Yes, ma'am.

16 MS. CALLAS: Judge, if that's the case, go
17 motion State, January 3rd.

18 THE COURT: Do you want a jury trial or a
19 bench trial?

20 THE DEFENDANT: Jury.

21 THE COURT: So the case will be continued on
22 the State's motion to January 3rd. It will be
23 set down for jury on that date. I will mark the
24 mittimus to indicate that the defendant should be

1 brought in civilian clothes. All right, sir, do
2 you plan to issue any subpoenas to bring in any
3 witnesses?

4 THE DEFENDANT: No, ma'am. State just call
5 their witnesses.

6 THE COURT: Okay. Motion State January 3rd.

7 THE DEFENDANT: I'm ready to walk and whirl.
8 Let's get it on.

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 I, Pauline Strohl, Official Court
7 Reporter of the Circuit Court of Cook County,
8 County Department, Criminal Division, do hereby
9 certify that I reported in shorthand the
10 proceedings had on the hearing in the
11 aforementioned cause; that I thereafter caused
12 the foregoing to be transcribed into typewriting,
13 which I hereby certify to be a true and accurate
14 transcript of the Report of Proceedings had
15 before the Honorable SHARON SULLIVAN, Judge of
16 said court.

17
18 
19 Pauline Strohl, CSR
20 Official Court Reporter
21 License No. 084-001253
22 5600 Old Orchard Road
23 Skokie, Illinois 60077
24

Dated this 31st day of March, 2005.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS,)
)
Plaintiff,)
) Case No. 04CR-5900
VS) Courtroom 209-Skokie
)
DWAYNE GRIFFIN,)
)
Defendant.)

REPORT OF PROCEEDINGS of the hearing
before the Honorable SHARON M. SULLIVAN, Judge
of said Court, on January 3, 2005.

APPEARANCES:

HON. RICHARD DEVINE,
State's Attorney of Cook County, by:
MS. LORI SCHULTZ,
Assistant State's Attorney,
for the People of the State of Illinois;

THE DEFENDANT, appearing pro se.

Marcie Leone, CSR #084-001348
Official Court Reporter
5600 Old Orchard Rd. Rm. 204
Skokie, Illinois 60077

I N D E X

PEOPLE VS. DWAYNE GRIFFIN

DATE: 1-3-05

PAGES: N-1 through N-10

CONTINUANCE

1 THE CLERK: Dwayne Griffin.

2 THE COURT: This is Dwayne Griffin, for the
3 record.

4 Mr. Griffin, good morning. The
5 case is set for trial. You should have been
6 brought in civilian clothes. Did they bring --

7 THE DEFENDANT: No. I'll wear this. I'll
8 wear what I got on.

9 THE COURT: State, are you ready to go?

10 MS. SCHULTZ: Judge, one of the officers
11 called last week, and he had to be out of
12 state.

13 We have a person from -- who
14 worked at Blockbuster. She has a copy of the
15 subpoena. We're not sure when the officer is
16 going to be back in town. So to make sure, we'd
17 like to enter and continue this motion State
18 until January 5th, pick the jury that day, and
19 I've excused my witness until the 6th so she
20 doesn't have to spend two days waiting to go to
21 trial on this.

22 So the State's intention is to
23 pick the jury on the 5th and begin on the 6th.

24 THE COURT: State's asking to hold this for

1 two days?

2 MS. SCHULTZ: Yes, Judge. And we ask that
3 all subpoenas be entered and continued.

4 THE DEFENDANT: For the record, I still
5 don't have any arrest reports so I could proceed
6 to trial. I've been waiting over a year almost.

7 MS. SCHULTZ: It's my understanding it's
8 been tendered. It's been motion State. The
9 defendant has demanded.

10 THE COURT: You answered ready and demanded
11 trial on the last court date; is that right?

12 THE DEFENDANT: Yes.

13 THE COURT: Are you answering ready today?

14 THE DEFENDANT: Well, with my arrest
15 report. Are you saying go to trial without the
16 arrest report?

17 THE COURT: You received the arrest
18 reports, sir.

19 THE DEFENDANT: No, ma'am. Motion for
20 discovery was filed May 4. I still haven't
21 received it.

22 THE COURT: You received a copy of the
23 arrest report.

24 THE DEFENDANT: No, ma'am.

1 MS. SCHULTZ: My records indicate that he
2 was. And, Judge --

3 THE COURT: This is the arrest report right
4 here.

5 THE DEFENDANT: That's not no arrest
6 report.

7 THE COURT: That is the arrest report, sir.

8 THE DEFENDANT: Okay. Tell it to the
9 federal judge.

10 THE COURT: You received this, a copy of
11 the arrest report.

12 THE DEFENDANT: Let me get a copy of that.

13 THE COURT: We'll copy this again. The
14 State can look at this and make another copy for
15 him of what is in the court file.

16 So you're answering ready; is
17 that correct?

18 THE DEFENDANT: Yeah. Let it be known for
19 the record you force me to go to trial without
20 the arrest report.

21 THE COURT: I'm not forcing you to go to
22 trial without the arrest report. Do you want a
23 continuance yourself?

24 THE DEFENDANT: I'm ready for trial.

1 THE COURT: Okay.

2 THE DEFENDANT: For the record, you force
3 me to go to trial without the arrest report.

4 MS. SCHULTZ: We will get you the arrest
5 report by the end of the day.

6 THE COURT: I believe he's previously been
7 tendered it on several occasions.

8 But another copy will be tendered
9 to you today.

10 Motion State, January 5, with for
11 trial. The mitt will indicate you're to be
12 brought in civilian clothes.

13 THE DEFENDANT: I don't want to be brought
14 in civilian clothes.

15 THE COURT: You do not?

16 THE DEFENDANT: No, ma'am. Just like this
17 here. I need my arrest report so I can go to
18 trial.

19 THE COURT: They're going to make a copy of
20 it, and you'll get it in just a moment.

21 THE DEFENDANT: I was supposed to have been
22 received a copy May 4.

23 THE COURT: You received a copy, I'm sure.

24 THE DEFENDANT: Give me what you're going

1 to give me.

2 MS. SCHULTZ: I have to scratch out some
3 things.

4 THE DEFENDANT: You're scratching out some
5 things? Are you tampering with evidence?

6 THE COURT: We'll pass this for a moment.

7 THE DEFENDANT: Tell it to a federal
8 judge. Okay? You all met you all match. Not
9 by agreement. Let's do this here. You taking
10 me to trial without an arrest report, let it be
11 known for the record.

12 (Case passed and recalled:)

13 THE CLERK: Dwayne Griffin.

14 MS. SCHULTZ: Judge, I was able to find in
15 our file a copy of what we had previously
16 tendered to the defendant. I tender to the
17 Court a copy of exactly that.

18 In addition to the arrest report
19 which the defendant has requested, the State is
20 tendering sixteen pages. This is five pages of
21 the arrest report, which we've redacted only the
22 personal information of -- the address of where
23 the victim lives. Tendering that in open
24 court. That's five pages. This is the general

1 case report. That is two pages. The
2 supplemental report is two pages, and we've
3 blackened out the home address of the witness.
4 There's five pages of a general case report
5 which I'm tendering to Mr. Griffin. There's a
6 crime scene processing report. That's one
7 page. There's an inventory slip.

8 And I'd like to show the
9 defendant in open court the photographs which
10 the State has. I don't know if he's seen them
11 earlier or not. And these are the photographs I
12 will show the defendant. We need them back.
13 There are two small photos, which I'm showing to
14 the defendant, and of those two I believe one is
15 enlarged, or both are enlarged.

16 All discovery has been shown to
17 the defendant on January 3rd of '05.

18 THE COURT: Do you acknowledge receipt of
19 those documents?

20 THE DEFENDANT: I'm ready for trial. I
21 still don't have the arrest report, though.

22 THE COURT: The five-page document that she
23 tendered to you first is the arrest report.

24 THE DEFENDANT: Okay. Tell it to the

1 federal judge.

2 THE COURT: Okay. Your demand is noted.

3 THE DEFENDANT: I'm ready for trial.

4 THE COURT: January 5.

5 THE DEFENDANT: I'll rock you all world in
6 this courtroom. You all never get away with
7 this. Every last one of you going to prison.
8 Watch. Met you all match.

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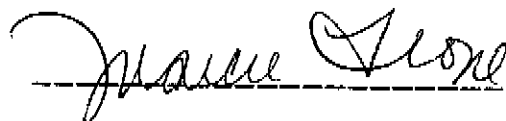
24

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT-CRIMINAL DIVISION

THE PEOPLE OF THE)
STATE OF ILLINOIS)
)
VS)
)
DWAYNE GRIFFIN)

I, Marcie Leone, Official Court
Reporter for the Circuit Court of Cook County,
Cook Judicial Circuit of Illinois, do hereby
certify that I reported in shorthand the
proceedings had in the above-entitled cause;
that I thereafter caused the foregoing to be
transcribed into typewriting, which I hereby
certify to be a true and accurate transcript of
the proceedings had before the Honorable SHARON
SULLIVAN, Judge of said Court.



Marcie Leone, CSR# 084-001348

Dated this 31st day
of March, 2005.

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - CRIMINAL DIVISION

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS,)
8)
9 Plaintiff,)
10 vs.) Case No. 04 CR 590001
11)
12 DWAYNE GRIFFIN,)
13)
14 Defendant.)

15 REPORT OF PROCEEDINGS of the trial had before
16 the Honorable SHARON M. SULLIVAN, Judge of the
17 Criminal Division, heard on the 4th day of February,
18 2005.

19 APPEARANCES:

20 HON. RICHARD A DEVINE,
21 State's Attorney of Cook County, by:
22 By: Ms. Stephanie Callas
23 Ms. Lori Schutz
24 Assistant State's Attorney
appeared for the People;

Mr. Dwayne Griffin, Pro Se.

25 Jaime T. Tramontana
26 Official Court Reporter
27 C.S.R. 084-004479
28 5600 Old Orchard Road, Room 204
29 Skokie, IL 470-7290

1 THE CLERK: Dwayne Griffin.

2 THE COURT: Mr. Griffin is before the Court.

3 Sir, I've lost my voice.

4 MR. GRIFFIN: You got sick?

5 THE COURT: I'm a little under the weather.

6 MR. GRIFFIN: Something you ain't doing right
7 then.

8 THE COURT: Are you filing any motions today?

9 MR. GRIFFIN: Yeah, I'm going to file a notice of
10 appeal.

11 THE COURT: You have to wait for that until after
12 the sentencing. I will give you a copy of
13 pre-sentence investigations.

14 MR. GRIFFIN: This is my copy?

15 THE COURT: Yes, sir.

16 MR. GRIFFIN: Do you think I can get a copy of
17 the arrest report now?

18 THE COURT: At this stage of sentencing -- at
19 this time we are prepared for a sentencing hearing.

20 Are you ready for your sentencing hearing,
21 sir?

22 MR. GRIFFIN: Yes.

23 THE COURT: I will first hear from the State in
24 aggravation.

1 MS. CALLAS: Judge, this is a mandatory Class X
2 Felony. On his last burglary after a finding of
3 guilty he received 11 years in IDOC from the
4 Honorable Judge Bouy. Prior to that he has a
5 Class Two or greater PCS with intent to deliver. And
6 prior to that he has an aggravated arson which he
7 received ten years in IDOC.

8 The People do not believe the defendant
9 should be given less of a sentence this time than he
10 was given last time for the same offense. We believe
11 it should be more than that because the 11 years last
12 time did not dissuade him from committing yet another
13 burglary.

14 THE COURT: In mitigation. Mr. Griffin, would
15 you like to make any argument in mitigation?

16 MR. GRIFFIN: No.

17 THE COURT: You have the right to address the
18 Court on your own behalf prior to sentencing. Is
19 there anything you would like to say --

20 MR. GRIFFIN: No.

21 THE COURT: -- at this time prior to sentencing?

22 MR. GRIFFIN: No.

23 THE COURT: At this time I will sentence to you
24 nine years IDOC. You're entitled for credit in
Q4

1 custody and you will be subject to three years
2 mandatory supervised release.

3 Sir, you have the right to appeal -- you
4 have the right to request the clerk to file a notice
5 of appeal. Your right to appeal the judgment of
6 conviction will be preserved only if a notice of
7 appeal is filed in the Trial Court within 30 days
8 from the date on which sentence is imposed, which is
9 today.

10 However, prior to taking your appeal, if
11 you chose to challenge the correctness of the
12 sentence or any aspect of your sentencing hearing,
13 you must file in this Trial Court within 30 days of
14 today's date a written motion to reconsider the
15 sentence imposed or to consider any challenges to the
16 sentencing hearing setting forth in the motion all
17 issues or claims of error regarding the sentence
18 imposed, the sentencing hearing, and any issues of
19 claim of error regarding the sentence imposed or any
20 aspect of the sentencing hearing.

21 If it's not raised in 30 days, the written
22 motion shall be deemed waived within 30 days of the
23 Court's ruling disposing your motion to reconsider
24 the sentence or challenges to the sentencing hearing.

1 If you then wish to appeal you must file or request
2 the Clerk of the court to prepare and file in the
3 trial court a written notice of appeal.

4 If you could not afford the cost of an
5 attorney for the motions, or the appeal, or the cost
6 of any transcripts for the motion for appeal, they
7 will be provided free of cost.

8 Do you understand that?

9 MR. GRIFFIN: Uh-huh.

10 THE COURT: You have to answer out loud.

11 MR. GRIFFIN: Yes.

12 THE COURT: Do you wish to file any motions?

13 MR. GRIFFIN: I'm -- the only thing I want to
14 notice -- that's all I'm required?

15 THE COURT: Notice of appeal. One more question.
16 Do you wish -- based on what I just said, do you wish
17 to file any motions regarding the sentence?

18 MR. GRIFFIN: No, I would like the clerk to stamp
19 this for me, please, and give me my copy.

20 THE COURT: Good luck to you, sir.

21 (Whereupon the following case was recalled
22 later that same day.)

23 THE CLERK: Dwayne Griffin.

24 MS. CALLAS: We need to bring him back here.

1 THE COURT: Sir, the State is also seeking an
2 order for DNA testing. I'm signing that order. It's
3 part of the sentence in this case.

4 MR. GRIFFIN: DNA for who?

5 MS. CALLAS: You.

6 MR. GRIFFIN: I refuse it.

7 THE COURT: Sir, you filed a notice of appeal.
8 Do you want me to State Appellate Defender to
9 represent you on the appeal?

10 MR. GRIFFIN: Yes.

11 THE COURT: Thank you.

12 * * * * *

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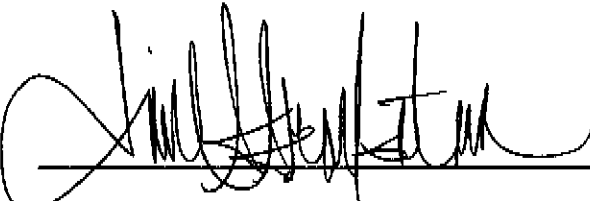
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1 IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
2 COOK COUNTY, ILLINOIS
3

4 I, JAIME T. TRAMONTANA, an Official Court
5 Reporter within and for the Circuit Court of Cook
6 County, Criminal Division, do hereby certify that I
7 have reported in shorthand the proceedings had at the
8 hearing of the above-entitled cause; that I
9 thereafter caused the foregoing to be transcribed
10 into typewriting electronically, which I hereby
11 certify is a true and accurate transcription of my
12 stenographic notes and contains all the matters of
13 the proceedings so taken as aforesaid before the
14 Honorable SHARON M. SULLIVAN, Judge of said court.
15

16
17 A handwritten signature in black ink, appearing to read 'Jaime T. Tramontana', is written over a horizontal line.

18 Official Court Reporter

19 C.S.R. 084-004479
20

21 Dated this 20th day of
22 April, 2005.
23
24